

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LESTER HICKMAN,	§	
	§	No. 262, 2009
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for Sussex County
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	Cr. ID No. 0104000979
Appellee.	§	

Submitted: August 11, 2009

Decided: October 27, 2009

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

ORDER

This 27th day of October 2009, after careful consideration of the opening brief filed by the appellant, Lester Hickman, and the motion to affirm filed by the appellee, State of Delaware, we conclude that the judgment of the Superior Court should be affirmed on the basis of the Court's well-reasoned decision dated April 14, 2009. The Superior Court did not err when concluding that Hickman's fourth motion for postconviction relief was appropriately barred as procedurally defaulted¹ without exception.² Moreover, the Court agrees with the State that

¹ Del. Super. Ct. Crim. R. 61(i)(3).

² Del. Super. Ct. Crim. R. 61(i)(5).

Hickman's fourth postconviction motion also is appropriately barred as untimely³ and repetitive⁴ without exception.⁵

NOW, THEREFORE, IT IS ORDERED that, pursuant to Supreme Court Rule 25(a), the State's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice

³ Del. Super. Ct. Crim. R. 61(i)(1). Hickman's convictions were final in 2002. *Hickman v. State*, 2002 WL 1272154 (Del. Supr.).

⁴ Del. Super. Ct. Crim. R. 61(i)(2). See *Hickman v. State*, 2004 WL 2291343 (Del. Supr.) (affirming denial of first postconviction motion); *Hickman v. State*, 2007 WL 1096884 (Del. Supr.) (affirming denial of second postconviction motion); *Hickman v. State*, 2008 WL 2080682 (Del. Supr.) (affirming denial of third postconviction motion).

⁵ Del. Super. Ct. Crim. R. 61(i)(5).